

April 9, 2018

The Common Council met with Mayor William McKean for a regular meeting on Monday, April 9, 2018 at 7:30 p.m. in the Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, Ron Dull, Mark Wynn and Philip Provost were present, along with Attorney Dave Baumgartner and Clerk-Treasurer Gwen Maller.

Councilman Gregg Sprunger, opened the meeting with the pledge of allegiance and Mayor McKean gave the invocation.

Minutes

On a motion by Mark Wynn and a second by Ron Dull, the minutes of the March 26, 2018 meeting were unanimously approved.

Claims

On a motion by Gregg Sprunger and a second by Phil Provost, the claims were unanimously approved for payment.

Public Hearing-Additional Appropriation

The regular Council meeting was recessed at 7:45 for a public hearing.

A public hearing was held at 7:45 p.m., as advertised to received public comments on an additional appropriation in excess of the budget for the current year.

The additional appropriation of \$266,600 for capital outlays in the Local Road and Bridge matching Grant Fund and \$324,960 for capital outlays in the Community Crossing Grant Fund are necessary due to the City receiving the INDOT Community Crossing Grant.

No one from the general public raised any objections or made any comments.

The public hearing was closed, and the regular council meeting was reconvened.

Phil Provost made a motion to approve Ordinance #704 which provides for an additional appropriation in the Local Road and Bridge Matching Grant Fund and the Community Crossing Grant Fund. Gregg Sprunger made the second and Ordinance #704 was unanimously passed.

MAFCO Leasing LLC Tax Abatement Application

Ron Dull made a motion to pass Resolution 2018-4-1 that establishes an economic revitalization area for tax parcel 01-08-33-400-005.000-010 at 750 E. Parr Road, waiving noncompliance, and granting tax abatement for redevelopment property. Curtis Wurster made the second and the motion was unanimously passed. The Resolution is as follows:

RESOLUTION 2018-4-1

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BERNE (1) ESTABLISHING AN ECONOMIC REVITALIZATION AREA FOR TAX PARCEL 01-08-33-400-005.000-010,

**(2) WAIVING NONCOMPLIANCE, AND
(3) GRANTING TAX ABATEMENT FOR REDEVELOPMENT PROPERTY**

WHEREAS, the Applicant, MAFCO LEASING LLC has prepared and filed a Designation and Deduction Application with the Common Council of City of Berne, the fiscal body of Berne, Indiana for a designation about whether the particular area, as more particularly described in Exhibit A, should be designated as an economic revitalization area, whether a deduction provided by I.C. 6-1.1-12.1-3 for property, meaning a building or structure should be approved and whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved and has submitted with its application a Statement of Benefits Form SB-1/RE;

AND WHEREAS, the area's location is annexed in the City of Berne, Adams County, Indiana and which mailing address 750 E. Parr Road, Berne, IN 46711;

AND WHEREAS, the Common Council of the City of Berne has considered the area described in Exhibit "A" attached hereto and made a part hereof as an area which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired or prevent a normal development of property or use of property, or an area where a facility or a group of facilities are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues;

AND WHEREAS, the area described in Exhibit "A" attached hereto is within the City of Berne, Adams County, Indiana.

AND WHEREAS, the applicant desires to obtain a deduction under Section 3 of I.C. 6-1.1-12.1.

AND WHEREAS, whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved;

AND WHEREAS, the Common Council may consider adopting a waiver pursuant to I.C. 6-1.1-12.1-11.3 waiving by resolution noncompliance with the following:

1. The failure to provide the completed statement of benefits form to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5;

2. The failure to submit the completed statement of benefits form to the designating body before the installation of the new manufacturing equipment for which the person desires to claim a deduction;

3. The failure to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;

4. The failure to make the required findings of fact before designating an area as an economic revitalization area.

5. The failure to file a timely or complete deduction application under I.C.6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

BE IT RESOLVED, that the Common Council of the City of Berne hereby:

1. Declares and makes the following findings after review of the Statement of Benefits Form SB-1/RE as submitted by the applicant:

- (a) The estimate of the cost of the redevelopment is reasonable for projects of that nature.
- (b) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment.
- (c) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described development.
- (d) Other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described development.
- (e) The totality of benefits is sufficient to justify the deductions.

2. Finds and declares the area legally described in Exhibit "A" attached hereto and made a part hereof is an Economic Revitalization Area as defined in I.C. 6-1.1-12.1-1(1) for the purpose of a deduction from the assessed value of property as defined in I.C. 6-1.1-12.1-1(4) pursuant to I.C. 6-1.1-12.1-3.

3. Hereby determines that the deduction provided in I.C. 6-1.1-12.1-3 for said area as an Economic Revitalization Area shall be for a period of Ten (10) years pursuant to I.C. 6-1.1-12.1-4.

4. The deduction provided in I.C. 6-1.1-12.1-3 may be modified at the confirming resolution public hearing by the grant of an alternative abatement schedule pursuant to I.C. 6-1.1-12.1-17 in the event applicant qualifies for such alternative abatement schedule pursuant to City of Berne Tax Phase-In Policies.

4. That the Applicant, to obtain the deduction provided by I.C. 6-1.1-12.1-3, shall file certified deduction applications on forms prescribed by the State Board of Tax Commissioners with the Adams County Auditor in accordance with I.C. 6-1.1-12.1-5.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized and directed to file a copy of this Resolution with the Adams County Assessor.

BE IT FURTHER RESOLVED, that the Common Council of the City of Berne hereby sets April 23, 2018, 7:40 P.M. as the date, and City Hall, 158 Franklin St., Berne, IN 46711, as the place where the Common Council will receive and hear all remonstrances and objections from interested persons on the adoption of said Resolution.

BE IT FURTHER RESOLVED, that the Clerk-Treasurer of the City of Berne is hereby authorized and directed to publish a notice of the adoption and substance of this Resolution adopted here in accordance with I.C. 5-3-1. Said notice shall state that a description of the affected area is available and can be inspected in the County Assessor's office and the date of the hearing on remonstrances and objections.

BE IT FURTHER RESOLVED that the notice shall further state that the City of Berne shall conduct a public hearing on the waivers of the following requirements pursuant to I.C. 6-1.1-12.1-11.3, to wit: the failure, if any, to provide the completed Statement of Benefits Form SB-1/RE to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5; the failure, if any, to submit the completed Statement of Benefits Form SB-1/RE to the designating body before the initiation of the redevelopment for which the person desires to claim a deduction; the failure, if any, to designate an area as an Economic Revitalization Area before the initiation of the redevelopment; the failure, if any, to make the required findings of fact before designating an area

as an economic revitalization area or authorizing a deduction under I.C. 6-1.1-12.1-3 or alternatively, under I.C. 6-1-1-12-1-17; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area; the failure, if any, to file a timely or complete deduction applications under I.C. 6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

ADOPTED by the Common Council of the City of Berne, State of Indiana, on April 9, 2018

EXHIBIT "A"

CITY OF BERNE RESOLUTION 2018-4-1

LEGAL DESCRIPTION

MAFCO LEASING LLC

ECONOMIC REVITALIZATION AREA

TAX PARCEL

01-08-33-400-005.000-010

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section Thirty-Three (33), Township Twenty-Six (26) North, Range Fourteen (14) East in Adams County, Indiana; thence West along the north line of said quarter quarter section a distance of Three Hundred Ten (310) feet to a point; thence south parallel with the east line of said quarter quarter section a distance of Two Hundred Three (203) feet; thence east parallel to the north line of said quarter quarter a distance of Three Hundred Ten (310) feet to a point; thence north on and along the east line of said quarter quarter section a distance of Two Hundred Three (203) feet to the place of beginning, containing 1.44 acres, more or less.

ALSO:

Commencing at 203 feet south of the northeast corner of the northwest quarter of the southeast quarter of Section Thirty Three (33), Township Twenty Six (26) North, Range Fourteen (14) East, in Adams County, Indiana; thence west parallel with the north line of said quarter quarter section a distance of 310 feet; thence south parallel with the east line of said quarter quarter section 141 feet; thence east 310 feet to the east line of said quarter quarter section; thence north on and along the east line of said quarter quarter section 141 feet to the place of beginning, containing One (1) acre, more or less.

Containing in all 2.44 Acres, more or less.

Commonly known as: 750 E. Parr Road, Berne, IN 46711

Ron Dull made a motion to pass Resolution 2018-4-3 that establishes an economic revitalization area for tax parcel 01-08-33-200-006.000-010 at 725 E. Parr Road, waiving noncompliance, and granting tax abatement for redevelopment property. Phil Provost made the second and the motion was unanimously passed. The Resolution is as follows:

RESOLUTION 2018-4-3

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BERNE

**(1) ESTABLISHING AN ECONOMIC REVITALIZATION AREA FOR
TAX PARCEL 01-08-33-200-006.000-010,
(2) WAIVING NONCOMPLIANCE, AND
(3) GRANTING TAX ABATEMENT FOR REDEVELOPMENT PROPERTY**

WHEREAS, the Applicant, MAFCO LEASING LLC has prepared and filed a Designation and Deduction Application with the Common Council of City of Berne, the fiscal body of Berne, Indiana for a designation about whether the particular area, as more particularly described in Exhibit A, should be designated as an economic revitalization area, whether a deduction provided by I.C. 6-1.1-12.1-3 for property, meaning a building or structure should be approved and whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved and has submitted with its application a Statement of Benefits Form SB-1/RE;

AND WHEREAS, the area's location is annexed in the City of Berne, Adams County, Indiana and which mailing address 725 E. Parr Road, Berne, IN 46711;

AND WHEREAS, the Common Council of the City of Berne has considered the area described in Exhibit "A" attached hereto and made a part hereof as an area which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired or prevent a normal development of property or use of property, or an area where a facility or a group of facilities are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues;

AND WHEREAS, the area described in Exhibit "A" attached hereto is within the City of Berne, Adams County, Indiana.

AND WHEREAS, the applicant desires to obtain a deduction under Section 3 of I.C. 6-1.1-12.1.

AND WHEREAS, whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved;

AND WHEREAS, the Common Council may consider adopting a waiver pursuant to I.C. 6-1.1-12.1-11.3 waiving by resolution noncompliance with the following:

1. The failure to provide the completed statement of benefits form to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5;

2. The failure to submit the completed statement of benefits form to the designating body before the installation of the new manufacturing equipment for which the person desires to claim a deduction;

3. The failure to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;

4. The failure to make the required findings of fact before designating an area as an economic revitalization area.

5. The failure to file a timely or complete deduction application under I.C.6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

BE IT RESOLVED, that the Common Council of the City of Berne hereby:

1. Declares and makes the following findings after review of the Statement of Benefits Form SB-1/RE as submitted by the applicant:

(a) The estimate of the cost of the redevelopment is reasonable for projects of that nature.

(b) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment.

(c) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described development.

(d) Other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described development.

(e) The totality of benefits is sufficient to justify the deductions.

2. Finds and declares the area legally described in Exhibit "A" attached hereto and made a part hereof is an Economic Revitalization Area as defined in I.C. 6-1.1-12.1-1(1) for the purpose of a deduction from the assessed value of property as defined in I.C. 6-1.1-12.1-1(4) pursuant to I.C. 6-1.1-12.1-3.

3. Hereby determines that the deduction provided in I.C. 6-1.1-12.1-3 for said area as an Economic Revitalization Area shall be for a period of Ten (10) years pursuant to I.C. 6-1.1-12.1-

4. The deduction provided in I.C. 6-1.1-12.1-3 may be modified at the confirming resolution public hearing by the grant of an alternative abatement schedule pursuant to I.C. 6-1.1-12.1-17 in

the event applicant qualifies for such alternative abatement schedule pursuant to City of Berne Tax Phase-In Policies.

4. That the Applicant, to obtain the deduction provided by I.C. 6-1.1-12.1-3, shall file certified deduction applications on forms prescribed by the State Board of Tax Commissioners with the Adams County Auditor in accordance with I.C. 6-1.1-12.1-5.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized and directed to file a copy of this Resolution with the Adams County Assessor.

BE IT FURTHER RESOLVED, that the Common Council of the City of Berne hereby sets April 23, 2018, 7:40 P.M. as the date, and City Hall, 158 Franklin St., Berne, IN 46711, as the place where the Common Council will receive and hear all remonstrances and objections from interested persons on the adoption of said Resolution.

BE IT FURTHER RESOLVED, that the Clerk-Treasurer of the City of Berne is hereby authorized and directed to publish a notice of the adoption and substance of this Resolution adopted here in accordance with I.C. 5-3-1. Said notice shall state that a description of the affected area is available and can be inspected in the County Assessor's office and the date of the hearing on remonstrances and objections.

BE IT FURTHER RESOLVED that the notice shall further state that the City of Berne shall conduct a public hearing on the waivers of the following requirements pursuant to I.C. 6-1.1-12.1-11.3, to wit: the failure, if any, to provide the completed Statement of Benefits Form SB-1/RE to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5; the failure, if any, to submit the completed Statement of Benefits Form SB-1/RE to the designating body before the initiation of the redevelopment for which the person desires to claim a deduction; the failure,

if any, to designate an area as an Economic Revitalization Area before the initiation of the redevelopment; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction under I.C. 6-1.1-12.1-3 or alternatively, under I.C. 6-1-1-12-1-17; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area; the failure, if any, to file a timely or complete deduction applications under I.C. 6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

ADOPTED by the Common Council of the City of Berne, State of Indiana, on April 9, 2018

EXHIBIT "A"
CITY OF BERNE RESOLUTION 2018-4-3
LEGAL DESCRIPTION
MAFCO LEASING LLC
ECONOMIC REVITALIZATION AREA

TAX PARCEL
01-08-33-200-006.000-010

Tract I:

A parcel of land in the west one-half of the northeast one-quarter of Section 33, Township 26 North, Range 14 East, of the Second Principal Meridian, Adams County, Indiana, more particularly described as follows:

Beginning at the southeast corner of the west one-half of the northeast one-quarter of said section 33; thence south 89 degrees 21 minutes 09 seconds west (assumed bearing base) along the south line of said northeast one-quarter a distance of 423.36 feet; thence north 1 degrees 23 minutes 32 seconds east parallel with the west line of said northeast one-quarter a distance of 1790.00 feet; thence north 89 degrees 21 minutes 09 seconds east parallel with the south line of said northeast one-quarter a distance of 420.67 feet to a 5/8" diameter iron pin with cap stamped C & D Firm No. 0026 on the east line of the west one-half of said northeast one-quarter; thence along the east line of said west one-half south 1 degrees 18 minutes 23 seconds west a distance of 1789.91 feet to the point of beginning. Containing 17.331 acres.

Tract II:

A parcel of land in the east one-half of the northeast one-quarter of Section Thirty Three (33), Township Twenty-Six (26) North, Range Fourteen (14) East, of the Second Principal Meridian, Adams County, Indiana, more particularly described as follows:

Beginning at the southwest corner of the east one-half of the northeast one-quarter of said section 33; thence north 1 degrees 18 minutes 23 seconds east (assumed bearing base) along the west line of the east one-half of said northeast one-quarter a distance of 1000.58 feet to a 5/8" diameter iron pin with cap stamped C & D Firm No. 0026; thence north 89 degrees 21 minutes 09 seconds east parallel with the south line of said northeast one-quarter, a distance of 200.12 feet to a 5/8"

diameter iron pin with cap stamped C & D Firm No. 0026; thence south 1 degrees 18 minutes 23 seconds west, parallel with the west line of the east one-half of said northeast one-quarter, a distance of 1000.58 feet to the south line of said northeast one-quarter; thence along said south line, south 89 degrees 21 minutes 09 seconds west, a distance of 200.12 feet to the point of beginning. Containing 4.594 acres.

SUBJECT TO: The right-of-way of Parr Road and rights-of-way and easements of record. All as shown by Stoodly Associates, Professional Land Surveyors on Plat of Survey Number 1439.

EXCEPT THEREFROM:

Part of the Northeast Quarter of Section 33, Township 26 North, Range 14 East of the Second Principal Meridian, Monroe Township in Adams County, Indiana, more particularly described as follows:

Commencing at a 1/2" steel bar marking the Southeast corner of said Northeast Quarter; thence South 87 degrees 42 minutes 51 seconds West (GPS grid bearing and basis of bearings to follow), a distance of 1133.27 feet along the South line of said Northeast Quarter and within the right-of-way of Parr Road (County Road 550 South) to the East line of an existing 4.594 tract described in Document Number 201400167 in the Office of the Recorder of Adams County, Indiana, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing South 87 degrees 42 minutes 51 seconds West, a distance of 623.48 feet (deed) along the South line of said Northeast Quarter and within said right-of-way to the West line of an existing 17.331 acre tract described in said Document Number 201400167 in the Office of the Recorder of Adams County; thence North 00 degrees 14 minutes 43 seconds West, a distance of 40.03 feet along the West line of said 17.331 acre tract; thence North 87 degrees 42 minutes 51 seconds East, a distance of 623.42 feet parallel with and 40.00 feet distant from the South line of said Northeast Quarter to the East line of said 4.594 acre; thence South 00 degrees 19 minutes 45 seconds East, a distance of 40.02 feet along said East line to the Point of Beginning. Containing 0.572 Acres, (0.286 Acres already contained within existing right-of-way) more or less. Subject to the right-of-way of Parr Road (County Road 550 South) and subject to easements of record.

Commonly known as: 725 E. Parr Road, Berne, IN 46711

Poseidon Barge LTD Tax Abatement Application

Mark Wynn made a motion to pass Resolution 2018-4-2 that establishes an economic revitalization area for tax parcel 01-08-33-400-005.000-010 at 750 E. Parr Road, waiving noncompliance, and granting tax abatement for new manufacturing equipment. Gregg Sprunger made the second and the motion was unanimously passed. The Resolution is as follows:

RESOLUTION 2018-4-2

- A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BERNE**
(1) ESTABLISHING AN ECONOMIC REVITALIZATION AREA FOR
TAX PARCEL 01-08-33-400-005.000-010,
(2) WAIVING NONCOMPLIANCE, AND
(3) GRANTING TAX ABATEMENT FOR NEW MANUFACTURING EQUIPMENT

WHEREAS, the Applicant, POSEIDON BARGE LTD has prepared and filed a Designation and Deduction Application with the Common Council of City of Berne, the fiscal body of Berne, Indiana for a designation about whether the particular area, as more particularly described in Exhibit A, should be designated as an economic revitalization area, whether a deduction provided by I.C. 6-1.1-12.1-4.5 for new manufacturing, information technology, and logistical distribution equipment pursuant to the definition provided therefore by I.C.6-1.1-12.1-1(3) should be approved and whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved and has submitted with its application a Statement of Benefits Form SB-1/PP;

AND WHEREAS, the area's location is annexed in the City of Berne, Adams County, Indiana and which mailing address 750 E. Parr Road, Berne, IN 46711;

AND WHEREAS, the Common Council of the City of Berne has considered the area described in Exhibit "A" attached hereto and made a part hereof as an area which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired or prevent a normal development of property or use of property, or an area where a facility or a group of facilities are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues, and

AND WHEREAS, the new manufacturing equipment investment at the Property and location of production operations of the Applicant at this location will result in an addition to the area's overall assessed value within an accelerated time period; the Project represents a superior use for the site; the Project is consistent with similar land uses on adjacent properties.

AND WHEREAS, the area described in Exhibit "A" attached hereto is within the City of Berne, Adams County, Indiana.

AND WHEREAS, the applicant desires to obtain a deduction under Section 4.5 of I.C. 6-1.1-12.1.

AND WHEREAS, whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved;

AND WHEREAS, the Common Council may consider adopting a waiver pursuant to I.C. 6-1.1-12.1-11.3 waiving by resolution noncompliance with the following:

1. The failure to provide the completed statement of benefits form to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5;

2. The failure to submit the completed statement of benefits form to the designating body before the installation of the new manufacturing equipment for which the person desires to claim a deduction;

3. The failure to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;

4. The failure to make the required findings of fact before designating an area as an economic revitalization area.

5. The failure to file a timely or complete deduction application under I.C.6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

BE IT RESOLVED, that the Common Council of the City of Berne hereby:

1. Declares and makes the following findings after review of the Statement of Benefits Form SB-1/PP as submitted by the applicant:

(a) The estimate of the cost of the new manufacturing, information technology, and logistical distribution equipment is reasonable for equipment of that type.

(b) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing, information technology, and logistical distribution equipment.

(c) The estimate of the annual salaries of those individuals who will be employed can be reasonably expected to result from the proposed installation of the new manufacturing, information technology, and logistical distribution equipment.

(d) Other benefits about which information was requested are benefits that can be reasonably expected to result from the installation of the new manufacturing, information technology, and logistical distribution equipment.

(e) The totality of benefits is sufficient to justify the deduction.

2. Finds and declares the area legally described in Exhibit "A" attached hereto and made a part hereof is an Economic Revitalization Area as defined in I.C. 6-1.1-12.1-1(1) for the purpose

of a deduction from the assessed value of new manufacturing equipment placed and located within the area pursuant to I.C. 6-1.1-12.1-4.5.

3. To the extent the Applicant may have acquired equipment prior to the final designation of the ERA, said activities will not result in any reduction to the benefits otherwise approved herein.

4. Hereby determines that the deduction provided in I.C. 6-1.1-12.1-4.5 for said area as an Economic Revitalization Area shall be for a period of Ten (10) years pursuant to I.C. 6-1.1-12.1-4.5(h). The deduction provided in I.C. 6-1.1-12.1-4.5 may be modified at the confirming resolution public hearing by the grant of an alternative abatement schedule pursuant to I.C. 6-1.1-12.1-17 in the event applicant qualifies for such alternative abatement schedule pursuant to City of Berne Tax Phase-In Policies.

5. That the Applicant, to obtain the deductions provided by I.C. 6-1.1-12.1-4.5 shall file certified deduction applications on forms prescribed by the State Board of Tax Commissioners with the Adams County Auditor in accordance with I.C. 6-1.1-12.1-5.4.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized and directed to file a copy of this Resolution with the Adams County Assessor.

BE IT FURTHER RESOLVED, that the Common Council of the City of Berne hereby sets April 23, 2018, 7:40 P.M. as the date, and City Hall, 158 Franklin St., Berne, IN 46711, as the place where the Common Council will receive and hear all remonstrances and objections from interested persons on the adoption of said Resolution.

BE IT FURTHER RESOLVED, that the Clerk-Treasurer of the City of Berne is hereby authorized and directed to publish a notice of the adoption and substance of this Resolution adopted here in accordance with I.C. 5-3-1. Said notice shall state that a description of the affected area is available and can be inspected in the County Assessor's office and the date of the hearing on remonstrances and objections.

BE IT FURTHER RESOLVED that the notice shall further state that the City of Berne shall conduct a public hearing on the waivers of the following requirements pursuant to I.C. 6-1.1-12.1-11.3, to wit: the failure, if any, to provide the Statement of Benefits Form SB-1/PP to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5; the failure, if any, to submit the completed Statement of Benefits Form SB-1/PP to the designating body before the installation of new manufacturing equipment for which the person desires to claim a deduction; the failure, if any, to designate an area as an Economic Revitalization Area before the installation of new manufacturing equipment; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction under I.C. 6-1.1-12.1-4.5 or alternatively, under I.C. 6-1-1-12-1-17;; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area; the failure, if any, to file a timely or complete deduction applications under I.C. 6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

ADOPTED by the Common Council of the City of Berne, State of Indiana, on April 9, 2018.

EXHIBIT "A"
CITY OF BERNE RESOLUTION 2018-4-2
LEGAL DESCRIPTION
POSEIDON BARGE LTD
ECONOMIC REVITALIZATION AREA

TAX PARCEL
01-08-33-400-005.000-010

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section Thirty-Three (33), Township Twenty-Six (26) North, Range Fourteen (14) East in Adams County, Indiana; thence West along the north line of said quarter quarter section a distance of Three

Hundred Ten (310) feet to a point; thence south parallel with the east line of said quarter quarter section a distance of Two Hundred Three (203) feet; thence east parallel to the north line of said quarter quarter a distance of Three Hundred Ten (310) feet to a point; thence north on and along the east line of said quarter quarter section a distance of Two Hundred Three (203) feet to the place of beginning, containing 1.44 acres, more or less.

ALSO:

Commencing at 203 feet south of the northeast corner of the northwest quarter of the southeast quarter of Section Thirty Three (33), Township Twenty Six (26) North, Range Fourteen (14) East, in Adams County, Indiana; thence west parallel with the north line of said quarter quarter section a distance of 310 feet; thence south parallel with the east line of said quarter quarter section 141 feet; thence east 310 feet to the east line of said quarter quarter section; thence north on and along the east line of said quarter quarter section 141 feet to the place of beginning, containing One (1) acre, more or less.

Containing in all 2.44 Acres, more or less.

Commonly known as: 750 E. Parr Road, Berne, IN 46711

Gregg Sprunger made a motion to pass Resolution 2018-4-4 that establishes an economic revitalization area for tax parcel 01-08-33-200-006.000-010 at 725 E. Parr Road, waiving noncompliance, and granting tax abatement for new manufacturing equipment. Curtis Wurster made the second and the motion was unanimously passed. The Resolution is as follows:

RESOLUTION 2018-4-4

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BERNE
(1) ESTABLISHING AN ECONOMIC REVITALIZATION AREA FOR
TAX PARCEL 01-08-33-200-006.000-010,
(2) WAIVING NONCOMPLIANCE, AND
(3) GRANTING TAX ABATEMENT FOR NEW MANUFACTURING EQUIPMENT**

WHEREAS, the Applicant, POSEIDON BARGE LTD has prepared and filed a Designation and Deduction Application with the Common Council of City of Berne, the fiscal body of Berne, Indiana for a designation about whether the particular area, as more particularly described in Exhibit A, should be designated as an economic revitalization area, whether a deduction provided by I.C. 6-1.1-12.1-4.5 for new manufacturing, information technology, and logistical distribution equipment pursuant to the definition provided therefore by I.C.6-1.1-12.1-1(3) should be approved and whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved and has submitted with its application a Statement of Benefits Form SB-1/PP;

AND WHEREAS, the area's location is annexed in the City of Berne, Adams County, Indiana and which mailing address 725 E. Parr Road, Berne, IN 46711;

AND WHEREAS, the Common Council of the City of Berne has considered the area described in Exhibit "A" attached hereto and made a part hereof as an area which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired or prevent a normal development of property or use of property, or an area where a facility or a group of facilities are

technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues, and

AND WHEREAS, the new manufacturing equipment investment at the Property and location of production operations of the Applicant at this location will result in an addition to the area's overall assessed value within an accelerated time period; the Project represents a superior use for the site; the Project is consistent with similar land uses on adjacent properties.

AND WHEREAS, the area described in Exhibit "A" attached hereto is within the City of Berne, Adams County, Indiana.

AND WHEREAS, the applicant desires to obtain a deduction under Section 4.5 of I.C. 6-1.1-12.1.

AND WHEREAS, whether an alternative abatement schedule as provided by I.C. 6-1.1-12.1-17 should be approved;

AND WHEREAS, the Common Council may consider adopting a waiver pursuant to I.C. 6-1.1-12.1-11.3 waiving by resolution noncompliance with the following:

1. The failure to provide the completed statement of benefits form to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5;

2. The failure to submit the completed statement of benefits form to the designating body before the installation of the new manufacturing equipment for which the person desires to claim a deduction;

3. The failure to designate an area as an Economic Revitalization Area before the installation of the new manufacturing equipment;

4. The failure to make the required findings of fact before designating an area as an economic revitalization area.

5. The failure to file a timely or complete deduction application under I.C.6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

BE IT RESOLVED, that the Common Council of the City of Berne hereby:

1. Declares and makes the following findings after review of the Statement of Benefits Form SB-1/PP as submitted by the applicant:

(a) The estimate of the cost of the new manufacturing, information technology, and logistical distribution equipment is reasonable for equipment of that type.

(b) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing, information technology, and logistical distribution equipment.

(c) The estimate of the annual salaries of those individuals who will be employed can be reasonably expected to result from the proposed installation of the new manufacturing, information technology, and logistical distribution equipment.

(d) Other benefits about which information was requested are benefits that can be reasonably expected to result from the installation of the new manufacturing, information technology, and logistical distribution equipment.

(e) The totality of benefits is sufficient to justify the deduction.

2. Finds and declares the area legally described in Exhibit "A" attached hereto and made a part hereof is an Economic Revitalization Area as defined in I.C. 6-1.1-12.1-1(1) for the purpose of a deduction from the assessed value of new manufacturing equipment placed and located within the area pursuant to I.C. 6-1.1-12.1-4.5.

3. To the extent the Applicant may have acquired equipment prior to the final designation of the ERA, said activities will not result in any reduction to the benefits otherwise approved herein.

4. Hereby determines that the deduction provided in I.C. 6-1.1-12.1-4.5 for said area as an Economic Revitalization Area shall be for a period of Ten (10) years pursuant to I.C. 6-1.1-12.1-4.5(h). The deduction provided in I.C. 6-1.1-12.1-4.5 may be modified at the confirming resolution public hearing by the grant of an alternative abatement schedule pursuant to I.C. 6-1.1-12.1-17 in the event applicant qualifies for such alternative abatement schedule pursuant to City of Berne Tax Phase-In Policies.

5. That the Applicant, to obtain the deductions provided by I.C. 6-1.1-12.1-4.5 shall file certified deduction applications on forms prescribed by the State Board of Tax Commissioners with the Adams County Auditor in accordance with I.C. 6-1.1-12.1-5.4.

BE IT FURTHER RESOLVED, that the County Auditor is hereby authorized and directed to file a copy of this Resolution with the Adams County Assessor.

BE IT FURTHER RESOLVED, that the Common Council of the City of Berne hereby sets April 23, 2018, 7:40 P.M. as the date, and City Hall, 158 Franklin St., Berne, IN 46711, as the place where the Common Council will receive and hear all remonstrances and objections from interested persons on the adoption of said Resolution.

BE IT FURTHER RESOLVED, that the Clerk-Treasurer of the City of Berne is hereby authorized and directed to publish a notice of the adoption and substance of this Resolution adopted here in accordance with I.C. 5-3-1. Said notice shall state that a description of the affected area is available and can be inspected in the County Assessor's office and the date of the hearing on remonstrances and objections.

BE IT FURTHER RESOLVED that the notice shall further state that the City of Berne shall conduct a public hearing on the waivers of the following requirements pursuant to I.C. 6-1.1-12.1-11.3, to wit: the failure, if any, to provide the Statement of Benefits Form SB-1/PP to the designating body before the hearing required by I.C. 6-1.1-12.1-2.5; the failure, if any, to submit the completed Statement of Benefits Form SB-1/PP to the designating body before the installation of new manufacturing equipment for which the person desires to claim a deduction; the failure, if any, to designate an area as an Economic Revitalization Area before the installation of new manufacturing equipment; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction under I.C. 6-1.1-12.1-4.5 or alternatively, under I.C. 6-1-1-12-1-17;; the failure, if any, to make the required findings of fact before designating an area as an economic revitalization area; the failure, if any, to file a timely or complete deduction applications under I.C. 6-1.1-12.1-5 or I.C. 6-1.1-12.1-5.4.

ADOPTED by the Common Council of the City of Berne, State of Indiana, on April 9, 2018.

EXHIBIT "A"
CITY OF BERNE RESOLUTION 2018-4-4
LEGAL DESCRIPTION
POSEIDON BARGE LTD
ECONOMIC REVITALIZATION AREA

TAX PARCEL
01-08-33-200-006.000-010

Tract I:

A parcel of land in the west one-half of the northeast one-quarter of Section 33, Township 26 North, Range 14 East, of the Second Principal Meridian, Adams County, Indiana, more particularly described as follows:

Beginning at the southeast corner of the west one-half of the northeast one-quarter of said section 33; thence south 89 degrees 21 minutes 09 seconds west (assumed bearing base) along the south line of said northeast one-quarter a distance of 423.36 feet; thence north 1 degrees 23 minutes 32 seconds east parallel with the west line of said northeast one-quarter a distance of 1790.00 feet; thence north 89 degrees 21 minutes 09 seconds east parallel with the south line of said northeast one-quarter a distance of 420.67 feet to a 5/8" diameter iron pin with cap stamped C & D Firm No. 0026 on the east line of the west one-half of said northeast one-quarter; thence along the east line of said west one-half south 1 degrees 18 minutes 23 seconds west a distance of 1789.91 feet to the point of beginning. Containing 17.331 acres.

Tract II:

A parcel of land in the east one-half of the northeast one-quarter of Section Thirty Three (33), Township Twenty-Six (26) North, Range Fourteen (14) East, of the Second Principal Meridian, Adams County, Indiana, more particularly described as follows:

Beginning at the southwest corner of the east one-half of the northeast one-quarter of said section 33; thence north 1 degrees 18 minutes 23 seconds east (assumed bearing base) along the west line of the east one-half of said northeast one-quarter a distance of 1000.58 feet to a 5/8" diameter iron pin with cap stamped C & D Firm No. 0026; thence north 89 degrees 21 minutes 09 seconds east parallel with the south line of said northeast one-quarter, a distance of 200.12 feet to a 5/8" diameter iron pin with cap stamped C & D Firm No. 0026; thence south 1 degrees 18 minutes 23 seconds west, parallel with the west line of the east one-half of said northeast one-quarter, a distance of 1000.58 feet to the south line of said northeast one-quarter; thence along said south line, south 89 degrees 21 minutes 09 seconds west, a distance of 200.12 feet to the point of beginning. Containing 4.594 acres.

SUBJECT TO: The right-of-way of Parr Road and rights-of-way and easements of record.
All as shown by Stoodly Associates, Professional Land Surveyors on Plat of Survey Number 1439.

EXCEPT THEREFROM:

Part of the Northeast Quarter of Section 33, Township 26 North, Range 14 East of the Second Principal Meridian, Monroe Township in Adams County, Indiana, more particularly described as follows:

Commencing at a 1/2" steel bar marking the Southeast corner of said Northeast Quarter; thence South 87 degrees 42 minutes 51 seconds West (GPS grid bearing and basis of bearings to follow), a distance of 1133.27 feet along the South line of said Northeast Quarter and within the right-of-way of Parr Road (County Road 550 South) to the East line of an existing 4.594 tract described in Document Number 201400167 in the Office of the Recorder of Adams County, Indiana, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing South 87 degrees 42 minutes 51 seconds West, a distance of 623.48 feet (deed) along the South line of said Northeast Quarter and within said right-of-way to the West line of an existing 17.331 acre tract described in said Document Number 201400167 in the Office of the Recorder of Adams County; thence North 00 degrees 14 minutes 43 seconds West, a distance of 40.03 feet along the West line of said 17.331 acre tract; thence North 87 degrees 42 minutes 51 seconds East, a distance of 623.42 feet parallel with and 40.00 feet distant from the South line of said Northeast Quarter to the East line of said 4.594 acre; thence South 00 degrees 19 minutes 45 seconds East, a distance of 40.02 feet along said East line to the Point of Beginning. Containing 0.572 Acres, (0.286 Acres already contained within existing right-of-way) more or less. Subject to the right-of-way of Parr Road (County Road 550 South) and subject to easements of record.

Commonly known as: 725 E. Parr Road, Berne, IN 46711

Plan Commission Report

Plan Commission President Gregg Sprunger reported that a public hearing was held earlier in the evening for a development plan filed by Brett Miller on behalf of Roger Muselman. The plan consisted of a resubmittal of two (2) apartment complexes, and a new submittal for four (4) apartment complexes for a total of 172 single family dwelling units. It also included one storage unit. The plan was given approval contingent on Commonwealth's approval; a buffer of fencing or trees be installed along the west side of the apartment complex; and resolve septic issues prior to excavation with the private property.

Clerk-Treasurer Comments

Clerk-Treasurer Gwen Maller informed the Council that there were five utility accounts that had to be written off due to bankruptcy and/or property being sold at tax certificate sale. The total for the five accounts was \$5,204.34.

Attorney Comments

Attorney Dave Baumgartner reported that the Storm Water Board will be meeting this Wednesday to look at interim rates for construction projects. The final decision will come before Council.

Mayor Comments

Mayor McKean informed the Council that the new water lines are completed for the Parr Road project and they are continuing to work on the storm water and wastewater lines. There hasn't been a lot of road work done due to the inclement weather.

There being no other business to come before the Council and upon a motion duly made to adjourn by Ron Dull and seconded by Mark Wynn, adjournment followed.

William F. McKean, Mayor

ATTEST:

Gwen Maller, Clerk-Treasurer

